

13-2501. Definitions

In this chapter, unless the context otherwise requires:

1. "Contraband" means any dangerous drug, narcotic drug, marijuana, intoxicating liquor of any kind, deadly weapon, dangerous instrument, explosive, wireless communication device, multimedia storage device or other article whose use or possession would endanger the safety, security or preservation of order in a correctional facility or a juvenile secure care facility as defined in section 41-2801, or of any person within a correctional or juvenile secure care facility.

2. "Correctional facility" means any place used for the confinement or control of a person:

- (a) Charged with or convicted of an offense; or
- (b) Held for extradition; or
- (c) Pursuant to an order of court for law enforcement purposes.

Lawful transportation or movement incident to correctional facility confinement pursuant to this paragraph is within the control of a correctional facility. For the purposes of this chapter, being within the control of a correctional facility does not include release on parole, on community supervision, on probation or by other lawful authority on the condition of subsequent personal appearance at a designated place and time.

3. "Custody" means the imposition of actual or constructive restraint pursuant to an on-site arrest or court order but does not include detention in a correctional facility, juvenile detention center or state hospital.

4. "Escape" means departure from custody or from a juvenile secure care facility as described in section 41-2816, a juvenile detention facility or an adult correctional facility in which a person is held or detained with knowledge that such departure is unpermitted or failure to return to custody or detention following a temporary leave granted for a specific purpose or for a limited period.

13-2502. Escape in the third degree; classification

A. A person commits escape in the third degree if, having been arrested for, charged with or found guilty of a misdemeanor or petty offense, such person knowingly escapes or attempts to escape from custody.

B. Escape in the third degree is a class 6 felony.

13-2503. Escape in the second degree; classification

A. A person commits escape in the second degree by knowingly:

1. Escaping or attempting to escape from a juvenile secure care facility, a juvenile detention facility or an adult correctional facility; or

2. Escaping or attempting to escape from custody imposed as a result of having been arrested for, charged with or found guilty of a felony; or

3. Escaping or attempting to escape from the Arizona state hospital if the person was committed to the hospital for treatment pursuant to section 8-291.09, 13-502, 13-3994, 13-4507, 13-4512 or 31-226 or rule 11 of the Arizona rules of criminal procedure; or

4. Escaping or attempting to escape from the Arizona state hospital if the person was committed to the hospital for treatment pursuant to title 36, chapter 37.

B. Escape in the second degree pursuant to subsection A, paragraph 1, 2 or 4 of this section is a class 5 felony, and the sentence imposed for a violation of this section shall run consecutively to any sentence of imprisonment for which the person was confined or to any term of community supervision for the sentence including probation, parole, work furlough or any other release. Escape in the second degree pursuant to subsection A, paragraph 3 of this section is a class 2 misdemeanor.

13-2504. Escape in the first degree; classification

A. A person commits escape in the first degree by knowingly escaping or attempting to escape from custody or a juvenile secure care facility, juvenile detention facility or an adult correctional facility by:

- 1. Using or threatening the use of physical force against another person; or
- 2. Using or threatening to use a deadly weapon or dangerous instrument against another person.

B. Escape in the first degree is a class 4 felony, and the sentence imposed for a violation of this section shall run consecutively to any sentence of imprisonment for which the person was confined or to any term of community supervision for the sentence including probation, parole, work furlough or any other release.

13-2505. Promoting prison contraband; exceptions; x-radiation; classification

A. A person, not otherwise authorized by law, commits promoting prison contraband:

1. By knowingly taking contraband into a correctional facility or the grounds of a correctional facility; or

2. By knowingly conveying contraband to any person confined in a correctional facility; or

3. By knowingly making, obtaining or possessing contraband while being confined in a correctional facility or while being lawfully transported or moved incident to correctional facility confinement.

B. Any person who has reasonable grounds to believe there has been a violation or attempted violation of this section shall immediately report the violation or attempted violation to the official in charge of the facility or to a peace officer.

C. Notwithstanding any law to the contrary, any person convicted of a violation of this section shall be prohibited from employment by this state or any of its agencies or political subdivisions until the person's civil rights have been restored pursuant to chapter 9 of this title.

D. This section does not apply to any of the following:

1. A prisoner who possesses or carries any tool, instrument or implement used by him at the direction or with the permission of prison officials.

2. Contraband located at the place where a person is on home arrest.

3. Contraband authorized by the correctional facility policies and used at the direction or with the permission of prison officials.

E. The state department of corrections may request a licensed practitioner to order that x-radiation be performed on any inmate if there is reason to believe the inmate is in possession of any contraband as defined in section 13-2501.

F. Promoting prison contraband if the contraband is a deadly weapon, dangerous instrument or explosive is a class 2 felony. Promoting prison contraband if the contraband is a dangerous drug, narcotic drug or marijuana is a class 2 felony. In all other cases promoting prison contraband is a class 5 felony. Failure to report a violation or attempted violation of this section is a class 5 felony.

13-2506. Failure to appear in the second degree; classification

A. A person commits failure to appear in the second degree if, having been required by law to appear in connection with any misdemeanor or petty offense, such person knowingly fails to appear as required, regardless of the disposition of the charge requiring the appearance.

B. Failure to appear in the second degree is a class 1 misdemeanor.

13-2507. Failure to appear in the first degree; classification

A. A person commits failure to appear in the first degree if, having been required by law to appear in connection with any felony, such person knowingly fails to appear as required, regardless of the disposition of the charge requiring the appearance.

B. Failure to appear in the first degree is a class 5 felony.

13-2508. Resisting arrest; classification; definition

A. A person commits resisting arrest by intentionally preventing or attempting to prevent a person reasonably known to him to be a peace officer, acting under color of such peace officer's official authority, from effecting an arrest by:

1. Using or threatening to use physical force against the peace officer or another.

2. Using any other means creating a substantial risk of causing physical injury to the peace officer or another.

3. Engaging in passive resistance.

B. Resisting arrest pursuant to subsection A, paragraph 1 or 2 of this section is a class 6 felony. Resisting arrest pursuant to subsection A, paragraph 3 of this section is a class 1 misdemeanor.

C. For the purposes of this section, "passive resistance" means a nonviolent physical act or failure to act that is intended to impede, hinder or delay the effecting of an arrest.

13-2509. Resisting an order directing, regulating or controlling motor vehicle; classification

A. A person commits resisting an order directing, regulating or controlling a motor vehicle by knowingly failing to obey an order of a person reasonably known to him to be a peace officer, acting under color of such officer's official authority, directing, regulating or controlling his vehicle.

B. Resisting an order directing, regulating or controlling a motor vehicle is a class 2 misdemeanor.

13-2510. Hindering prosecution; definition

For purposes of sections 13-2511 and 13-2512 a person renders assistance to another person by knowingly:

1. Harboring or concealing the other person; or
2. Warning the other person of impending discovery, apprehension, prosecution or conviction. This does not apply to a warning given in connection with an effort to bring another into compliance with the law; or
3. Providing the other person with money, transportation, a weapon, a disguise or other similar means of avoiding discovery, apprehension, prosecution or conviction; or
4. Preventing or obstructing by means of force, deception or intimidation anyone from performing an act that might aid in the discovery, apprehension, prosecution or conviction of the other person; or
5. Suppressing by an act of concealment, alteration or destruction any physical evidence that might aid in the discovery, apprehension, prosecution or conviction of the other person; or
6. Concealing the identity of the other person.

13-2511. Hindering prosecution in the second degree; classification

A. A person commits hindering prosecution in the second degree if, with the intent to hinder the apprehension, prosecution, conviction or punishment of another for any misdemeanor or petty offense, such person renders assistance to such person.

B. Hindering prosecution in the second degree is a class 1 misdemeanor.

13-2512. Hindering prosecution in the first degree; classification

A. A person commits hindering prosecution in the first degree if, with the intent to hinder the apprehension, prosecution, conviction or punishment of another for any felony, the person renders assistance to the other person.

B. Hindering prosecution in the first degree is a class 5 felony, except that it is a class 3 felony if either:

1. The person knows or has reason to know that the offense involves terrorism or murder.
2. The person commits the offense with the intent to promote, further or assist a criminal street gang.

13-2513. Failure to discharge duties; classification; definition

A. A person who has custodial responsibility and who intentionally fails to discharge those duties is guilty of a class 1 misdemeanor if that failure results in any of the following:

1. The escape of a prisoner.
2. Serious physical injury to or the death of any other person or prisoner.

B. For the purposes of this section, "custodial responsibility" means having responsibility for the care, management or control of a prisoner who is committed to the state department of corrections.

13-2514. Promoting secure care facility contraband; classifications

A. A person, not otherwise authorized by law, commits promoting secure care facility contraband by knowingly doing any of the following:

1. Taking contraband onto the grounds of or into a secure care facility under the jurisdiction of the department of juvenile corrections.
2. Conveying contraband to any person confined in a secure care facility under the jurisdiction of the department of juvenile corrections.
3. Making, obtaining or possessing contraband while being confined in a secure care facility under the jurisdiction of the department of juvenile corrections.

B. Except for information protected under attorney client privilege, any person who has reasonable grounds to believe there has been a violation or attempted violation of this section shall immediately report the violation or attempted violation to the official in charge of the facility or to a peace officer.

C. Promoting secure care facility contraband if the contraband is a deadly weapon, dangerous instrument or explosive is a class 2 felony. Promoting secure care facility contraband if the contraband is a dangerous drug, narcotic drug or marijuana is a class 2 felony. In all other cases promoting secure care facility contraband is a class 5 felony. Failure to report a violation or attempted violation of this section is a class 5 felony.

D. Notwithstanding any law to the contrary, any person convicted of a violation of this section shall be prohibited from employment by this state or any of its agencies or political subdivisions until the person's civil rights have been restored pursuant to chapter 9 of this title.